

REMARKS

Status of Application

Prior to this response, claims 1-20 are pending, and claims 1-20 are rejected. By this response, claims 1-20 are canceled without prejudice or disclaimer of the subject matter recited therein. New claims 21-40 are added, such that claims 21-40 are pending after this response.

Specification

The title is amended in response to the Examiner's objection on Page 2 of the Office Action. Applicants believe that the title as amended is indicative of the invention to which the claims are directed, and respectfully request that the objection be withdrawn.

Claim Objections

Claims 13 and 14 are canceled without prejudice or disclaimer of the subject matter recited therein. Applicants respectfully request that the objections to claims 13-14 be withdrawn.

Claim Rejections – 35 USC 102

Claims 1, 4-6, 9, 12, 13, 16, 19 and 20 are rejected under 35 USC 102(b) as being anticipated by U.S. 6,094,762 to Viard et al. Applicants respectfully traverse these rejections. Claims 1-14 and 16-20 are rejected under 35 USC 102(b) as being anticipated by U.S. 6,058,341 to Myers et al. Claims 1-5 and 9-19 are rejected under 35 USC 102(b) as being anticipated by WO 03/024380 to Caldwell. Claims 1-5 and 9-19 are rejected under 35 USC 102(b) as being anticipated by WO 00/24353 to Price. Applicants respectfully traverse these rejections.

With regard to new independent claim 21, none of the prior art of record, taken alone or in combination, discloses, teaches or suggests a patient support comprising “a mattress having a head section, a foot section spaced from the head section, and a seat section between the head section and the foot section, the seat section being dimensioned to support a seat region of a person, a force sensor having dimensions less than or equal to the dimensions of the seat section of the mattress and configured to output a signal indicative of force applied to the seat section of the mattress, and a controller operably coupled to the force sensor to automatically determine the total body weight of a person positioned on the mattress based on the output of the force sensor.”

For example, Viard's sensor 50 extends from the patient's knees to the patient's abdominal region as shown in Fig. 1. Caldwell's method requires “determining the

weight of the **region** of the patient's body resting on said one or more inflatable chambers" as described in claim 6 (Caldwell, page 10) (emphasis added). Thus, more particularly, none of the cited references teach "a force sensor having dimensions less than or equal to the dimensions of the seat section of the mattress and configured to output a signal indicative of force applied to the seat section of the mattress" or "a controller operably coupled to the force sensor to automatically determine the total body weight of a person positioned on the mattress based on the output of the force sensor" as claimed.

Independent claim 29 particularly recites "a patient support comprising a mattress having a head section, a foot section spaced from the head section, and a seat section between the head section and the foot section, the seat section being dimensioned to support a seat region of a person, at least the foot section including at least one inflatable bladder, a force sensor sized to fit within the dimensions of the seat section of the mattress and configured to output a signal indicative of force applied to the seat section of the mattress, and a controller configured to receive the output signal from the force sensor and automatically adjust pressure in the foot section of the mattress based on the output of the seat section force sensor."

None of the prior art of record discloses, teaches or suggests the specific combination recited in claim 29, including "a force sensor sized to fit within the dimensions of the seat section of the mattress and configured to output a signal indicative of force applied to the seat section of the mattress" or "a controller configured to receive the output signal from the force sensor and automatically adjust pressure in the foot section of the mattress based on the output of the seat section force sensor." For example, Caldwell only teaches "adjusting the pressure in each inflatable chamber...for the recorded weight of the region of the patient's body resting on each chamber" (Caldwell, claim 6, page 10). Neither Caldwell nor any of the other cited references teach sensing force applied to one section of a mattress and adjusting the pressure in a different section of the mattress based on the force applied to the first section.

Independent claim 34 recites "a computer-implemented method of determining a weight of a patient positioned on a mattress, the method comprising executing a monitoring mode wherein a mattress has a status and the mattress status is monitored by a controller to detect a change in the status of the mattress, the status being indicative of a person being positioned on the mattress, a person entering the mattress, a person exiting the

mattress or a person changing position on the mattress, and automatically entering a measuring mode wherein a total body weight of a person on the mattress is determined if the mattress status indicates that a person is on the mattress and not in the process of entering, exiting or changing position relative to the mattress.” None of the prior art of record discloses, teaches or suggests a system with two modes as claimed.

Claims 22-28 depend from claim 21; claims 30-33 depend from claim 29 and claims 35-40 depend from claim 34. These dependent claims comprise all of the limitations of their respective independent claims as well as additional limitations that are not found in the prior art of record. All of claims 21-40 are therefore believed to be allowable over the prior art of record. Accordingly, Applicants respectfully request that the rejections be withdrawn and that the application be allowed. If Examiner should disagree, the Examiner is kindly requested to point out with particularity where in the prior art the specific limitations recited in each of claims 21-40 are found.

Claim Rejections – 35 USC 103


Claim 15 is rejected under 35 USC 103(a) as being unpatentable over Myers et al in view of Kriger, US 6,649,848. Claim 15 is canceled without prejudice or disclaimer of the subject matter recited therein. Applicants respectfully request that the rejection be withdrawn.

Concluding Comments

While the foregoing is not intended to provide an exhaustive review of the bases for patentability of the pending claims, the application is believed to be in condition for allowance. Action to that end is hereby respectfully requested. If the Examiner believes that there remain any issues that must be resolved before this application can be passed to issue, Examiner is invited to contact the undersigned directly.

Applicants believe that no fees are required due to this amendment. It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response, and shortages and other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to file 7175-202438.

Respectfully submitted,
BARNES & THORNBURG LLP

A handwritten signature in cursive script, appearing to read "Christine M. Orich", written over a horizontal line.

Christine M. Orich
Reg. No. 44,987
317-231-6486